



JC10 Rec'd PCT/PTO 2 JUN 2005

Patent

Attorney's Docket No. 008788-085

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of

Paolo Massimo BUSCEMA

Application No.: 10/516,879

Filed: December 2, 2004

For: A METHOD FOR ENCODING IMAGE  
PIXELS, A METHOD FOR PROCESSING IMAGES  
AND A METHOD FOR PROCESSING IMAGES  
AIMED AT QUALITATIVE RECOGNITION OF THE  
OBJECT REPRODUCED BY ONE OR MORE  
IMAGE PIXELS

) MAIL STOP PCT  
)  
)  
) Group Art Unit:  
)  
) Examiner:  
)  
) Confirmation No.:

RENEWED PETITION UNDER 37 C.F.R. 1.137(b)

Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Petition mailed May 31, 2005, Applicant hereby  
renews his request in accordance with 37 C.F.R. § 1.137(b) that the above-identified  
application be revived. Applicant's prior petition was dismissed on the basis that it "is not  
clear whether the delay was unintentional or not", because "Item (3) has not been satisfied.  
Petitioner states that 'Applicant's attorney *has been advised* that the entire delay in filing the  
required reply, i.e., the national stage filing, from the due date for the reply until the filing of a  
grantable petition pursuant to 37 C.F.R. 1.37(b) was unintentional' (emphasis added)."

In response thereto, Petitioner hereby states that the PCT application designating the  
United States was unintentionally abandoned when the papers necessary for the application  
to enter the national stage in the U.S. were not filed at the 30 month deadline on September  
11, 2004.

A proper national stage filing and the required petition fee of \$1,370.00 required by  
37 C.F.R. 1.17(m) were submitted on December 3, 2004. If any additional fees are required,  
the Commissioner is authorized to charge Deposit Account No. 02-4800.

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26 AUG 2005


Legal Staff  
International Division

In the event that further information is required, please contact the undersigned attorney.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: June 21, 2005

By:   
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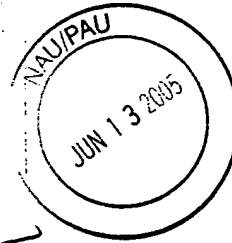
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WCR



In re Application of  
BUSCEMA

Application No.: 10/516,879

PCT No.: PCT/EP03/02400

Int. Filing Date: 10 March 2003

Priority Date: 11 March 2002

Attorney Docket No.: 008788-085

For: METHOD FOR ENCODING IMAGE PIXELS A  
METHOD FOR PROCESSING IMAGES AND A  
METHOD FOR POCESSING IMAGES AIMED AT  
QUALITATIVE RECOGNITION OF THE OBJECT  
REPRODUCED BY ONE OR MORE IMAGE PIXELS

DECISION ON  
:  
:  
PETITION UNDER  
:  
:  
37 CFR 1.137(b)

This decision is in response to applicants' submission filed 03 December 2004.

### **BACKGROUND**

On 10 March 2003, applicants filed international application PCT/EP03/02400 which designated the U.S. and claimed a priority date of 11 March 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 18 September 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 September 2004 (11 September 2004 being a Saturday).

On 03 December 2004, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and a "PETITION TO REVIVE UNDER 37 CFR 1.137(b)".

### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 03 December 2004.

As to item (2), applicant submitted the petition fee on 03 December 2004.

Item (3) has not been satisfied. Petitioner states that "Applicant's attorney *has been advised* that the entire delay in filing the required reply, i.e., the national stage filing, from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional" (emphasis added). However, petitioner fails to actually make the required statement. Nor is the required statement made by someone having more knowledge of the circumstances of the abandonment than petitioner. Thus, it is not clear whether the delay was unintentional or not.

#### **CONCLUSION**

The petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice, for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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